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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

<p>BRIAN KENNER,</p> <p>Plaintiff,</p> <p>vs.</p> <p>BITTERROOT TIMBER FRAMES, LLC, THREE MILE CREEK POST & BEAM, LLC, BRETT MAURI, an individual, and JOHN DOES 1-10,</p> <p>Defendants.</p>	<p>Cause No. CV-21-16-M-DLC</p> <p>MOTION FOR DEFAULT JUDGMENT</p>
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COMES NOW Plaintiff Brian Kenner, by and through his counsel of record, and hereby requests the Court for the entry of a judgment by default against defendants Bitterroot Timber Frames, LLC, and Three Mile Creek Post & Beam, LLC, pursuant to Rule 55(b) of the Federal Rules of Civil Procedure. In support of this request, plaintiff relies upon the record in this case and the affidavits submitted herein.

“If the plaintiff's claim is for a sum certain or a sum that can be made certain by computation, the clerk—on the plaintiff's request, with an affidavit showing the amount due—must enter judgment for that amount and costs against a defendant who has been defaulted for not appearing and who is neither a minor nor an incompetent person.” Fed. R. Civ. P. 55(b)(1).

Here, defendants are neither minors nor incompetent persons; further, this motion is supported by plaintiff's Affidavit of Amount Due which provides a sum certain. An affidavit of Attorney's Fees and Costs from the undersigned provides the current and reasonably anticipated fees and costs for this action. The sum requested matches the amount in the complaint filed in this action plus the costs plaintiff incurred.

Plaintiff requests the clerk enter judgment against defendant for the principle amount of \$327,556.00 along with fees and costs of \$4,440.50, making the total judgment amount \$331,996.50. Plaintiff further requests interest at the legal rate from the date of judgment.

DATED this 7th day of April, 2021.

CHRISTIAN, SAMSON & BASKETT, PLLC



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Attorney for Plaintiff